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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MATTHEW DOUGLAS PENRY, et al.

Application No. 09/533,705

Filed: March 23, 2000

For: SILICON-BACKED MICRODISPLAY
WITH A GLASS-SIDE PASSIVATION
LAYER

Group Art Unit: 2871

Examiner: Unknown

**DECLARATION OF FACTS IN
SUPPORT OF PETITION UNDER
37 C.F.R. §1.47(a)**

2001 Ferry Building
San Francisco, CA 94111
(415) 433-4150

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Missing Parts, Commissioner of Patents, Washington, DC 20231, on October 3, 2000.

Box Missing Parts
Commissioner of Patents
Washington, DC 20231

RECEIVED

OCT 16 2000

LIMBACH & LIMBACH LLP Date: 10/03/00

By: Jacob Zweig

Jacob Zweig

Sir:

OFFICE OF PETITIONS

This declaration recites the facts relied upon to establish the diligent efforts made to secure the cooperation of, as well as the execution of a declaration by, nonsigning inventor, Russell Flack, for the above-identified patent application. Russell Flack is secondarily named in the patent application as a co-inventor. This declaration also recites facts as to why this action was necessary to preserve the rights of the parties.

I, Mayumi Maeda, hereby declare that:

1. I am a patent attorney registered to practice before the United States Patent and Trademark Office. My registration number is 40,075. I am associated with the law firm of Limbach & Limbach, L.L.P., which serves as an outside intellectual property counsel to National Semiconductor Corporation (hereinafter "National"), a corporation of the State of Delaware, having an office located at 2900 Semiconductor Drive, M/S D3-579, Santa Clara, California 95051-8090. National Semiconductor Corporation is a former employer of Russell Flack.

2. National uses standardized Invention Disclosure Forms (hereinafter "IDF"). IDFs are designed for inventors to provide information concerning their invention and its inventors, along with signatures of all inventors and two witnesses other than the inventors. A National inventor, who seeks patent protection of his or her invention, must submit a completed IDF to National's Intellectual Property Group. Following an internal review process, and if an invention disclosure has been approved for filing as a patent application, an approved IDF is forwarded to one of National's outside counsels.

3. On September 27, 1999, Limbach & Limbach, L.L.P. received from National an IDF submitted by Russell Flack and Matthew Penry. In the IDF, Russell Flack is listed as a co-inventor on page 2 and his signature appears, along with the signatures of two witnesses, on page 5. The execution date of the IDF is June 24, 1999. A copy of the IDF is attached as Exhibit A.

4. A reporting letter was sent from Limbach & Limbach, L.L.P. to National on October 5, 1999 acknowledging receipt of the IDF and informing National that I would be the attorney responsible for preparing the application. Russell Flack was copied in this letter (attached as Exhibit B).

5. I met with Matthew Penry to discuss details of the invention and drafted a patent application. The draft patent application was sent to Matthew Penry at National on January 27, 2000 for review, along with declaration and assignment forms. Page 2 of an accompanying letter states that Matthew Penry and Russell Flack are the inventors in the patent application (see Exhibit C).

6. When I telephoned Matthew Penry on February 14, 2000 to inquire on how the review was progressing, I learned that his co-inventor, Russell Flack, had left National to work for a company in Arizona. Matthew Penry provided me with Russell Flack's new work telephone number and the company address. It is my routine practice to memorialize the nature and contents of a telephone conference shortly thereafter. Accordingly, the telephone conference I had with Matthew Penry on that day was recorded in a telephone log (a copy attached as Exhibit D). I then telephoned Russell Flack at his work number and left an electronic telephone message (i.e., "voicemail")

asking for his mailing address so that the draft patent application and the declaration and assignment forms could be sent (see Exhibit E). I received no reply from Russell Flack.

7. During a telephone conference on March 14, 2000, Matthew Penry indicated that he approved of the draft application and was ready to sign the declaration and assignment forms. I told him that I had not heard from Russell Flack and I would try again to contact him. I left another voicemail for Russell Flack at his work on that date requesting that he let me know of his mailing address. Contents of these telephone calls were memorialized in telephone logs (Exhibit F). Since I received no reply from Russell Flack, I sent a draft application and declaration and assignment forms to his work address via Federal Express on March 17, 2000. A copy of an accompanying letter is attached as Exhibit G. I subsequently left a voicemail for Russell Flack at his work informing him of my action (see copy of telephone log attached also as Exhibit G).

8. During a telephone conference on March 22, 2000, Matthew Penry indicated that he had signed the declaration and assignment forms. I told him that I had left several voicemails for Russell Flack at his work, but received no replies thereto. Shortly thereafter, I made another telephone call to Russell Flack and left a voicemail requesting that he send the executed declaration and assignment forms to me. I did not receive a reply. The contents of these telephone calls were memorialized in telephone logs (copy attached as Exhibit H).

9. On March 23, 2000, I received executed declaration and assignment forms from Matthew Penry. I, therefore, telephoned National's liaison counsel in this case, Chad Walsh, informing that I had been unable to reach Russell Flack. Considering the non-responsiveness of Russell Flack to my repeated communications, I suggested that the application be filed without his executed declaration. Chad Walsh agreed to this suggestion (see Exhibit I). The patent application was filed with the U.S. Patent and Trademark Office via Express Mail on that date.

10. After receiving a Notice to File Missing Parts of Nonprovisional Application, I left voicemails for Russell Flack at his work on July 11 and July 26, 2000, informing him of the Notice and the need to file his executed declaration (see Exhibit J). On July 26 and July 28, 2000, I attempted to reach Russell Flack through e-mail communications (also attached as Exhibit J), requesting his cooperation in this matter, by trying out several possible e-mail addresses. These e-mail communications were returned as undeliverable.

11. On August 2, 2000, I telephoned National's new liaison counsel in this case, Peter Wang, and sought his assistance in contacting Russell Flack. Peter Wang's attempts to reach Russell Flack were also unsuccessful. He, therefore, instructed me to file a petition under 37 C.F.R. §1.47(a). The contents of these telephone conferences with Peter Wang were memorialized in telephone logs (copy attached as Exhibit K).

12. As of this date, I have received no messages, correspondence or any other form of contact from Russell Flack related to the subject application.

13. A copy of Russell Flack's "Leaving National" Check-Out Form, along with a copy of his Termination Certificate dated July 14, 1999, are attached as Exhibit L. Both documents were signed by Russell Flack, and the Termination Certificate was additionally witnessed by a member of National's Human Resources staff. I understand that all exiting National's employees must complete these documents with its Human Resources Department. The Termination Certificate certifies that Russell Flack has "complied with and will continue to comply with all the terms of the National Semiconductor Corporation Employee Agreement" signed by him. Although Russell Flack's signature on the Termination Certificate implies that he would cooperate in the prosecution of this patent application, his failure to respond to repeated attempts to contact him proves otherwise.

14. Russell Flack's last known work address is Three Five System, 1600 North Dessert Dr., Tempe, Arizona 85281. His phone number at Three Five System is (602) 389-8667. I do not know his home address nor his home phone number.

15. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

LIMBACH & LIMBACH L.L.P.

Dated: 10/3/00

By: 

Mayumi Maeda
Reg. No. 40,075

Attorneys for Applicant(s)

Attorney Docket No. NSC1-G3900 [P04391]



INVENTION DISCLOSURE FORM

Do not write in this space	File no.: <u>P4391</u>
	date of receipt: <u>6/24/99</u> By: <u>ADZ</u>

Please complete each item of this form. If an item is not applicable (i.e. only one inventor), enter "N/A".

General Information Concerning the Invention

Title of the invention: Passivation Film Over the Conductive Layer on the Cover Glass of Silicon-Based Liquid Crystal Microdisplays

Brief description of the invention: Achieving a balance in the work function between the top conductive layer (on the glass) and the bottom conductive layer (on the silicon) is desirable to reduce visible flicker in the microdisplay. A passivation film is applied over the conductive layer which is present on the cover glass which forms the top of the light valve cell on silicon-based reflective microdisplays. This passivation film serves two purposes: 1) modifies the original work function of the conductive layer to better match the work function of the opposing conductive layer on the silicon; and 2) maintains that target work function by protecting the surface of the conductive film during further processing.

Attach photocopies of all pertinent documentation. Each page must be signed, dated and witnessed by two other persons who have read and understood the description of the inventions.

Inventor

Full name: Matt Penry

Residence address: 1170 Castle Lake Circle

	Number	Street	Apt.
<u>Morgan Hill, Santa Clara County, California, USA 95037</u>			

City	County	State	Country	Zip
<u>Same</u>				

Citizenship: USA Home phone: 408-778-7954 Work phone: 408-721-4692
Dept. name: Light Valve Dept. no.: 02-8327 FAX (408) 721-3409
Location/M.S. D2775 D3-930

SSN: 546-92-1299 Badge no.: 19232 Email ID: Matt.Penry

Bus. Unit: Light Valve Supervisor: Russell Flack Supervisor's work phone: 721-5493

Inventor

Full name: Russell Flack

Residence address: 18920 Alcott Way
Number Street Apt.
saratoga Santa Clara CA USA
City County State Country Zip

Mailing address: Same

Citizenship: British Home phone: 408 867 3770 Work phone: 408 721 5493

Dept. name: Light Valves Dept. no.: 02-8327

Location/M.S. D2775

SSN: 044 78 7251 Badge no.: Sc86380 Email ID: Russell.Flack@nsc.com

Bus. Unit: Light Valves Supervisor: Bill Nicholson Supervisor's work phone: 408 721 7314

Inventor

Full name: n/a

Residence address: _____
Number Street Apt.

City County State Country Zip

Mailing address: _____

Citizenship: _____ Home phone: _____ Work phone: _____

Dept. name: _____ Dept. no.: _____ Location/M.S. _____

SSN: _____ Badge no.: _____ Email ID: _____

Bus. Unit: _____ Supervisor: _____ Supervisor's work phone: _____

For each additional inventor, please provide the information requested above.

Description of the Invention

Date of first description: ~03/03/99 Country / location: USA/Santa Clara, CA
Date of first written description: ? Eng. notebook no.: Pages:
Date of first disclosure to others at National: 03/03/99 To: 1. S.K. Lau
2. Hugo Steemers

Attach photocopies of all pertinent engineering documentation. Each page must be signed, dated, and witnessed by two other persons who have read and understood the description of the invention.

Construction and Testing of the invention

Date of computer simulation: n/a Made by: Country:
Date of first Prototype ~05/14/99 Place of Manufacture where invention was incorporated into prototype product Three Five Systems, Tempe, AZ, USA Date first prototype was tested to confirm desired operation of invention ~06/10/99

Attach dated photocopy of results of testing of test pattern mask or first prototypes. If the invention has been computer simulated attach a dated photocopy of this simulation.

Is the invention planned or used by National in a product or the method of manufacture or test of a product? No Yes X If yes, what is the part number and function? SLV1280-1BTF

When will this Product utilizing the invention be available for sampling or "offered for sale"?
August 1999

Related art

Closest related art: Patent # U.S. Patent # 5,764,324

Attach copy of related art. This can be an article from a publication or conference paper, patent, or data sheet

What is the difference of this related art and the art of the disclosed invention. The above referenced patent utilizes additional films over the conductive layer only on the silicon substrate side of the cell to create more balance.

Disadvantages of the related art which are solved by this invention. 1) The types of overcoat films which can be commercially applied on the silicon side of the cell are limited. Likewise, the choice is also limited by their transmissive and reflective optical properties. Therefore, the amount of work function modification available is limited and there may not be enough to create the desired balanced condition. 2) The conductive layer on the glass is left without an overcoat film which allows various impurities from further processing steps to modify its work function in an uncontrolled manner.

Advantages of the related art. 1) The work function of the conductive layer on the glass can be purposely modified to better match the modified work function of the conductive layer on the silicon. 2) The targeted work function of the conductive layer on the glass is protected from uncontrolled modification due to exposure to impurities in further processing steps.

Publication, Sampling, or "Offer for Sale" of the Invention

Publication, sampling, or an "Offer for Sale" more than one year prior to the filing of a U.S. patent application will result in the forfeiture of the U.S. patent rights. Publication, sampling, or an "Offer for Sale" at any time prior to the filing of a U.S. patent application will result in the forfeiture of all international patent rights.

1. Has a product embodying the invention been sampled outside National? Yes__

No X If yes, when and to whom? _____

If yes, was a Non-disclosure Agreement used? No ____ Yes ____ If yes, attach a copy.

2. Has the invention been described outside National? No X Yes ____ If yes, when and to whom? _____

If yes, was a Non-disclosure Agreement used? No ____ Yes ____ If yes, attach a copy.

3. Have data sheets and/or application notes been distributed outside National? No X Yes ____

____ If yes, when and to whom? _____ If yes,

was a Non-disclosure Agreement used? No ____ Yes ____ If yes, attach a copy.

4. Have journal articles or conference papers been distributed outside of National? No X Yes ____

____ If yes, when and to whom? _____ If yes,

was a Non-disclosure Agreement used? No ____ Yes ____ If yes, attach a copy.

5. Has a product embodying/using the invention been sold/offered outside National? No X Yes ____

____ If yes, when and to whom? _____

6. Has a price quote, bid, or proposal or volume commitment been made to a potential customer? No X Yes ____ If yes, when and to whom? _____

Certain types of inventions, such as process steps or testing techniques, are typically used internally within National without outside persons becoming aware of the use. Such use may still be considered a commercialization, if the invention is being used to manufacture or test a product for purposes beyond mere engineering evaluation purposes.

Development Contract or Joint Development

1. Was the invention conceived, constructed, or tested pursuant to the performance of a development contract with another company or government agency? No X Yes ____

If Yes, please identify the contract and its location: _____

2. Was the invention jointly developed with inventors from another company? No X Yes ____

If Yes, please identify the company: _____

Estimated Sales

1. Estimated total sales over next 5 years of products embodying or using the invention:

National: \$ 300,000,000

Source of data: National Semiconductor Strategic

Plan FY99

2. Estimated total sales over next 5 years of all products competing with product embodying or using the invention: \$ 3,000,000,000 Source of data National Semiconductor Corp

Strategic Plan FY99

Description and Drawing Illustrating the Invention

You must include drawings which illustrate the invention, including circuit schematics, structures, process steps, etc. If you have original drawings in your lab notebook, please attach photocopies of the pertinent pages.

Execution of this Form

Please have each inventor sign and date below. Attach additional sheets if needed.

Signature: [Signature]

Date: 6-24-99

Signature: [Signature]

Date: 6-24-99

Signature: _____

Date: _____

Witnessing of this Form

Please have two persons, other than the inventors, read this form. When they have read and understood the remarks you have made in this form, please have them sign and date below:

First witness: [Signature]

Date: 6/24/99

Second witness: [Signature]

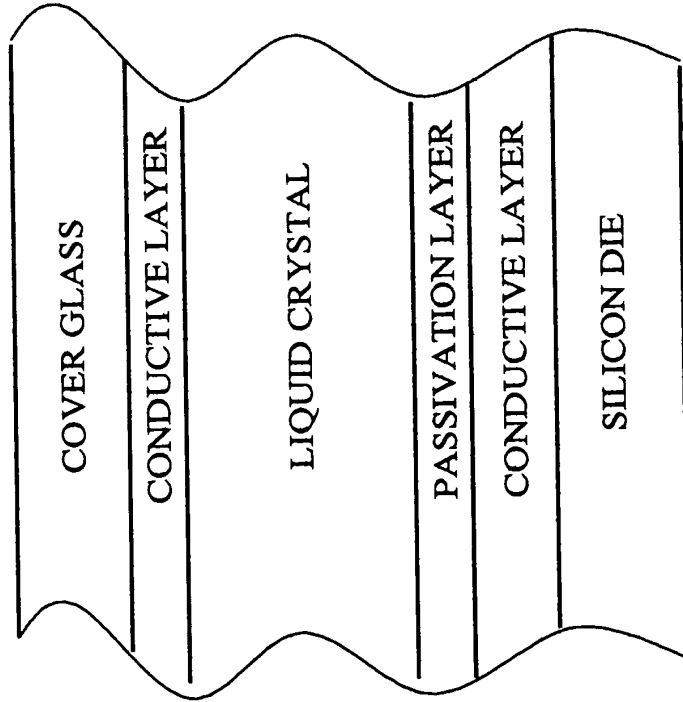
Date: 6/24/99

Submission of this Form

Please return the completed form, including your drawings, written description, photocopies of all pertinent pages from your engineering notebook(s), and other attachments, to Intellectual Property Group engineer responsible for your product group, or:

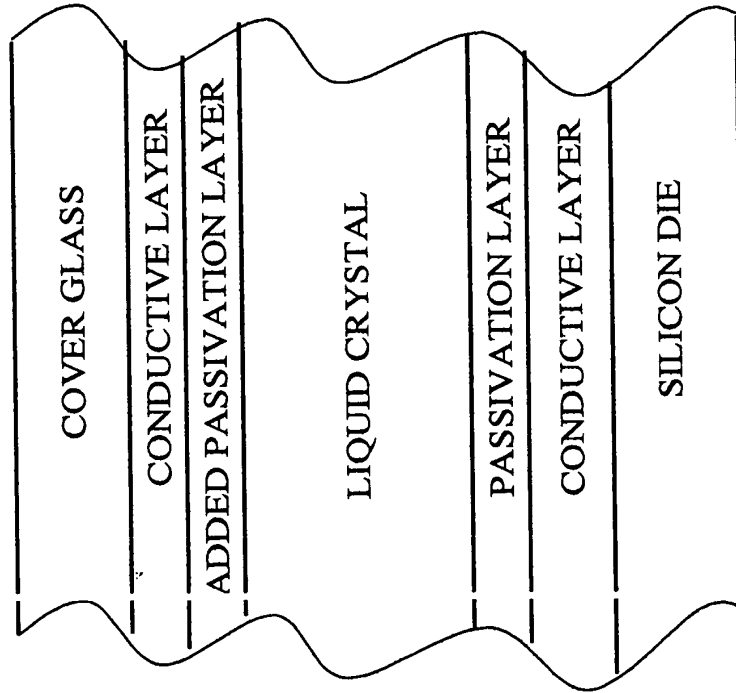
Intellectual Property Group
NATIONAL SEMICONDUCTOR
2900 Semiconductor Drive, M/S 16-179
P.O. Box 58090
Santa Clara, California 95052-8090

TYPICAL MICRODISPLAY CELL

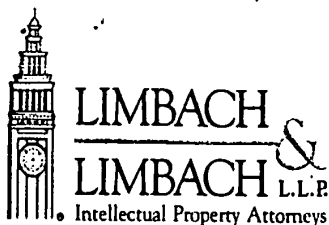


Edward Eeri
6/24/99

IMPROVED MICRODISPLAY CELL
WITH
ADDED PASSIVATION LAYER



James Offenberg 6/24/99



October 5, 1999

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George C. Limbach
John K. Uilkema
Neil A. Smith
Veronica Colby Devitt
Ronald L. Yin
Gerald T. Sekimura
Michael A. Struiman
Philip A. Girard
Michael J. Pollock
Stephen M. Everett
Maria S. Cefalu
Alfred A. Equitz
Mark A. Dalla Valle
Charles P. Sammut
Mark C. Pickering
Patricia Coleman James
Kathleen A. Frost
Alan S. Hodes
Brian J. Keating
Alan A. Limbach
Douglas C. Limbach
Seong-Kun Oh
Cameron A. King
Kyla L. Harriel
Mayumi Maeda
Kent J. Tobin
Michael R. Ward
Roger S. Sampson
Tina Chen
Charles L. Hamilton
Andrew V. Smith
Heath W. Hoglund

Of Counsel
J. Thomas McCarthy
Joel G. Ackerman

Patent Agent
William G. Goldman

Mr. Allen Tremain
NATIONAL SEMICONDUCTOR CORPORATION
Intellectual Property Group
M/S D3-579
2900 Semiconductor Drive
Santa Clara, CA 95051

Re: New Invention Disclosure for
**PASSIVATION FILM OVER THE CONDUCTIVE LAYER ON
THE COVER GLASS OF SILICON-BASED LIQUID
CRYSTALMICRODISPLAYS**
Inventor(s): MATT PENRY et al.
NSC File: P04391
Our File: NSC1-G3900

Dear Al:

This is in response to Karen Metz' letter of September 24, 1999,
concerning the above-identified Invention Disclosure.

I will be the attorney responsible for preparing this application. The
anticipated date of completion of the first draft is approximately
November 1, 1999. Following review and revisions by the inventors, I
would expect to be able to file this application by **December 8, 1999**.
(Of course, wherever possible, I will endeavor to advance these dates
as much as possible.)

If you have any questions or concerns regarding this matter, please
contact me.

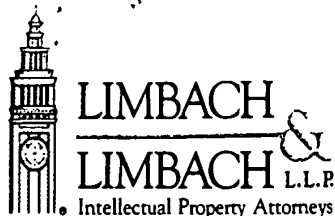
Very truly yours,

LIMBACH & LIMBACH L.L.P.

Mayumi Maeda
mmaeda@limbach.com

MMM:bak

cc: Mr. Matt Penry
Mr. Russell Flack
Mark A. Dalla Valle, Esq.
Ms. Robin L. King



January 27, 2000

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Michael K. Ward
Roger S. Sampson
Tina Chen
Charles L. Hamilton
Andrew V. Smith
Eric N. Hoover
Frank J. Mycroft
Parisa Jorjani

Of Counsel

J. Thomas McCarthy
Joel G. Ackerman

Matthew Penry
National Semiconductor Corporation
2900 Semiconductor Drive
M/S ~~D-2775~~ D3-930
Santa Clara, CA 95051

Re: New U.S. Patent Application for
**SILICON-BACKED MICRODISPLAY WITH A GLASS-SIDE
PASSIVATION LAYER**
NSC File: P04391
Our File: NSC1-G3900

Dear Matt:

Enclosed please find a first draft of the above-identified patent application. Please review the patent application for accuracy and completeness. The application must be accurate and contain sufficient detail so as to allow someone having ordinary skill in the subject area to make and use the invention without undue experimentation or additional invention.

In addition, every feature of the claimed invention must be described in the text of the application and shown in the drawings, if appropriate. Further, if you are aware that one embodiment of this invention, or one approach to making or using this invention, is better than other ways, this embodiment or approach, known as the best mode of the invention, must be disclosed in the application.

Also enclosed are formal filing papers in the above-referenced case. Because the formal filing papers must be executed after the patent application has been finalized, please do not execute them until such time as you agree entirely with the content of the patent application.

If (or when) everything appears to be in order, please have the enclosed filing papers executed in the order indicated:

Matthew Penry
Our File NSC1-G3900
January 27, 2000
Page 2

1. The **Declaration for Patent Application** must be read by you and, if you agree, signed by you. This document declares that Matthew Penry and Russell Flack are the inventors of the invention claimed in the patent application.
2. The **Assignment** must be read by you and, if you agree, signed by you **before a notary public**. This document assigns your rights to the patent application to National Semiconductor Corporation.
3. Once the **Declaration** and **Assignment** forms have been signed, please return all the signed forms to me.

Prior Art

United States patent law requires an inventor to disclose to the U.S. Patent and Trademark Office any information known to him which may be material for the purposes of determining the novelty and nonobviousness of the invention. In other words, an inventor must disclose any information known to him which a person would reasonably consider relevant for the purposes of determining whether the invention is novel and nonobvious. (Please note, however, that the inventor is only required to disclose such information that is actually known to him, i.e. he is not required to actively search for such information.)

With respect to novelty, any information known to the inventor which might cause a person to reasonably question whether the invention is new must be disclosed. With respect to nonobviousness, any information known to the inventor which might cause a person to reasonably question whether the invention would be obvious to an ordinary person having reasonable skill in that particular field or art must be disclosed.

If you are aware of any such information, such as other patents, technical articles, drawings, sales brochures or other forms of literature describing devices or methods which are similar or related to your invention, please provide me with copies as soon as possible so that we may disclose them promptly to the U.S. Patent and Trademark Office. If you believe such information may exist but are unsure as to how to find it, please contact me for assistance.

Please understand that this disclosure requirement is an ongoing duty on the part of the inventor. Thus, even if no such information or literature as described above is

Matthew Penry
Our File NSC1-G3900
January 27, 2000
Page 3

currently known to you, should any such information or literature come to your attention in the future, it must be disclosed promptly to the U.S. Patent and Trademark Office. If it is not disclosed, any patent which later issues may be at risk of later being declared invalid or unenforceable.

* * *

I will check with you next week to see what changes are necessary. If you have any questions regarding any of the foregoing, please contact me for assistance.

Very truly yours,

LIMBACH & LIMBACH L.L.P.



Mayumi Maeda
mmaeda@limbach.com

MM/pdh

Enclosures: Declaration
Assignment
Application

cc: Intellectual Property Group Patents Department (w/o encs.)
Mark A. Dalla Valle, Esq. (w/o encs.)

LIMBACH & LIMBACH LLP
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MMH calling Matt Penny

Phone Number: (408) 721-4692

Subject Matter: draft app'n

Discussions/Comments: _____

Since his M/S has changed,
all his mails were delivered
late. He will review a draft
+ let me know of the comments
soon. (Now M/S is D3-930)

His co-inventor Russell Flock
is now in AZ (Three Five System
(602) 389-8667

1600 North Power Drive
Tempe AZ 85281

Signed by: _____

MMH 

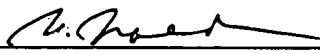
LIMBACH & LIMBACH LLP

Client: NSC1 - G3900


Matter No.: 4

Date: 2/14/00

Time: 10:00 AM

LIMBACH & LIMBACH L.L.P.	
TELEPHONE CONFERENCE MEMORANDUM	
Person Calling:	MMM calling Russell Hock
Phone Number:	(612) 389-8667
Subject Matter:	new address
Discussions/Comments:	left a voice mail
<p>Please let me know your mailing address in AZ so that I can send you a copy of exp. + financial reports.</p>	
<p>Signed by: <u>MMM</u> </p>	
LIMBACH & LIMBACH L.L.P.	

Client:	NSC4 - G3900
Matter No.:	
Date:	2/14/00
Time:	12:15 AM

LIMBACH & LIMBACH <small>LLP</small>	
TELEPHONE CONFERENCE MEMORANDUM	
Person Calling:	MMM calling Matt Perry
Phone Number:	(408) 721-4652
Subject Matter:	revised draft
Discussions/Comments:	<p>just send revised draft to him.</p> <p>Have not heard from Russel yet.</p> <p>I will contact him again.</p> <p>Matt will sign all formal papers</p> <p>at legal department shortly.</p>
Signed by:	<p>MMM </p> <p>LIMBACH & LIMBACH <small>LLP</small></p>

Client:	NSC1 - 93900
Matter No.:	
Date:	3/14/00
Time:	9:45 AM

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: HMM calling Russell Flack

Phone Number: (602) 389-8667

Subject Matter: 1600 North Dewey Drive
Three Five System Tempe AZ 85281

Discussions/Comments: left a voice mail

Your co-inventor, Matt Perry, has
already reviewed & approved the
draft. I would like to send
you a copy of app'n +
formal papers to your home address
please let me know.

Signed by: HMM [Signature]

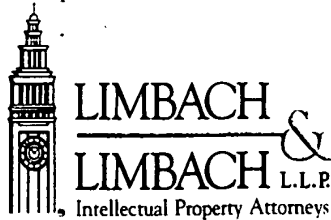
LIMBACH & LIMBACH L.L.P.

Client: NSL - 93900

Matter No.:

Date: 3/14/07

Time: 9:45 AM



March 17, 2000

Via Fed Ex

2001 Ferry Building
San Francisco, California
94111-4262
Tel: 415/433-4150
Fax: 415/433-8716
Web Site: www.limbach.com

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Suite 1400
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Tina Chen
Charles L. Hamilton
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Eric N. Hoover
Frank J. Mycroft
Parisa Jorjani

Of Counsel

J. Thomas McCarthy
Joel G. Ackerman

Russell Flack
Three Five System
1600 North Dessert Dr.
Tempe, AZ 85281

Re: New U.S. Patent Application for
**SILICON-BACKED MICRODISPLAY WITH A GLASS-SIDE
PASSIVATION LAYER**
Inventors: Matthew Douglas Penry and Russell Flack
Our File: NSC1-G3900

Dear Mr. Flack:

Enclosed please find a draft of the above-identified patent application. Please review the patent application for accuracy and completeness. The application must be accurate and contain sufficient detail so as to allow someone having ordinary skill in the subject area to make and use the invention without undue experimentation or additional invention.

In addition, every feature of the claimed invention must be described in the text of the application and shown in the drawings, if appropriate. Further, if you are aware that one embodiment of this invention, or one approach to making or using this invention, is better than other ways, this embodiment or approach, known as the best mode of the invention, must be disclosed in the application.

Also enclosed are formal filing papers in the above-referenced case. Because the formal filing papers must be executed **after** the patent application has been finalized, please do not execute them **until such time as you agree entirely** with the content of the patent application.

If (or when) everything appears to be in order, please have the enclosed filing papers executed **in the order** indicated:

Russell Flack
Our File NSC1-G3900
January 27, 2000
Page 2

1. The **Declaration for Patent Application** must be read by you and, if you agree, signed by you. This document declares that Matthew Penry and Russell Flack are the inventors of the invention claimed in the patent application.
2. The **Assignment** must be read by you and, if you agree, signed by you **before a notary public**. This document assigns your rights to the patent application to National Semiconductor Corporation.
3. Once the **Declaration** and **Assignment** forms have been signed, please return all the signed forms to me.

Prior Art

United States patent law requires an inventor to disclose to the U.S. Patent and Trademark Office any information known to him which may be material for the purposes of determining the novelty and nonobviousness of the invention. In other words, an inventor must disclose any information known to him which a person would reasonably consider relevant for the purposes of determining whether the invention is novel and nonobvious. (Please note, however, that the inventor is only required to disclose such information that is actually known to him, i.e. he is not required to actively search for such information.)

With respect to novelty, any information known to the inventor which might cause a person to reasonably question whether the invention is new must be disclosed. With respect to nonobviousness, any information known to the inventor which might cause a person to reasonably question whether the invention would be obvious to an ordinary person having reasonable skill in that particular field or art must be disclosed.

If you are aware of any such information, such as other patents, technical articles, drawings, sales brochures or other forms of literature describing devices or methods which are similar or related to your invention, please provide me with copies as soon as possible so that we may disclose them promptly to the U.S. Patent and Trademark Office. If you believe such information may exist but are unsure as to how to find it, please contact me for assistance.

Please understand that this disclosure requirement is an ongoing duty on the part of the inventor. Thus, even if no such information or literature as described above is

Russell Flack
Our File NSC1-G3900
January 27, 2000
Page 3

currently known to you, should any such information or literature come to your attention in the future, it must be disclosed promptly to the U.S. Patent and Trademark Office. If it is not disclosed, any patent which later issues may be at risk of later being declared invalid or unenforceable.

* * *

I will check with you next week to see what changes are necessary. If you have any questions regarding any of the foregoing, please contact me for assistance.


Very truly yours,

LIMBACH & LIMBACH L.L.P.



Mayumi Maeda
mmaeda@limbach.com
MMM

Enclosures: Declaration
Assignment
Application

LIMBACH & LIMBACH LLP. TELEPHONE CONFERENCE MEMORANDUM	
Person Calling:	MMM calling Russell Flach
Phone Number:	(602) 389-8667
Subject Matter:	draft application + formal papers
Discussions/Comments:	<p>left voice mail</p> <p>since your home address is not available to us, we sent via Fed Ex draft application + formal papers to your work address. please review the application, and execute formal papers + return the original papers to me. Assignment needs to be authorized. If any questions, please call.</p>
Signed by:	 LIMBACH & LIMBACH LLP.

Client:	NCC1 - 63800
Matter No.:	
Date:	3/17/00
Time:	10:45 AM

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM


Person Calling: M/M calling Matt Perry

Phone Number: (408) 721-4692

Subject Matter: draft app

Discussions/Comments: _____

Matt told me that he has already signed the ~~app~~ ^{formal} papers & I can expect them shortly. I told Matt that I called Russell at TFS but always gets M/C. I always ~~left~~ leave a message but he won't return my call. He has the spec & formal papers.

Signed by: M/M 
LIMBACH & LIMBACH L.L.P.

Client: NSU - G390

Matter No.:

Date: 3/22/00

Time: 8:40 AM

LIMBACH & LIMBACH LLP
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MMM calling Russell Fleck

Phone Number: (602) 389 - 8667

Subject Matter: app'n + formal papers

Discussions/Comments: left voice mail

Math has already approved
the spec + signed formal
papers. I faxed an app'n
w/ formal papers on 3/17 (Fri)
and thus I trust that
you've already received it by
now. If questions or difficulties
please call me, since we
are ready to sign the app'n
+ waiting for receipt of your papers

Signed by: MMM R. Fleck

LIMBACH & LIMBACH LLP

Client: NSCL - G73900

Matter No.:

Date: 3/22 / 00

Time: 9:45 AM

LIMBACH & LIMBACH LLP
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: Chad Walse returned call

Phone Number: —

Subject Matter: filing appn

Discussions/Comments:

At this time, Chad will not
get involved. But, I should
keep contacting Russell Fluck in AZ.
Meanwhile, we should file
the appn. & get a missing parts
from PTO and then worry
about it.

Signed by: MMA [Signature]

LIMBACH & LIMBACH LLP

Client: NSCL- 63900

Matter No.:

Date: 3/23/00

Time:

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MMH calling Chad Walsh

Phone Number: (408) 721-6581

Subject Matter:

filing appln.

Discussions/Comments: left a voice mail

We received executed formal papers
from NSC inventor. Another

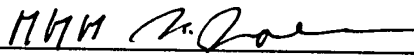
inventor is at TFS in AZ.

I've been calling him for several
times + no return call

I don't think we can hear from
him any time soon. We should

file the appln w/o his formal papers

+ get missing parts + deal w/ his
formal papers then. Please call.

Signed by: MMH 

LIMBACH & LIMBACH L.L.P.

Client: NSC1 - G3900

Matter No.:

Date: 3/23/00

Time: 10:50 AM

LIMBACH & LIMBACH L.L.P.
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MATT calling Russell Fleck

Phone Number: (602) 389-8667

Subject Matter: formal papers

Discussions/Comments: left a voice mail
I sent you spec + formal
papers for you to sign in
March. We filed the app'n
w/o your paper. The USPTO
now requires that these
papers be filed. Please
create spec + formal
the papers to us. If you
displeased the papers, I will
be happy you send you
another set. so let us know.

Signed by: MATT (LIMBACH & LIMBACH L.L.P.)

Client: AL (4-6290)

Matter No.:

Date: 7/11/00

Time: 10:00 AM

LIMBACH & LIMBACH LLP
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MMM calling Russell Fleck

Phone Number: (602) 389-8667

Subject Matter:

formal papers

Discussions/Comments: left a voice mail

We received a missing part
notice from NSPTD & we need
to respond by 8/12. Although
this is extendable, NSC must
pay extension fee to do so.
Please locate the formal
papers now & send them to us.
If they were misplaced, I'm
happy to send you another set

Signed by: MMM 

LIMBACH & LIMBACH LLP

Client: NSC 1 - G390

Matter No.:

Date: 7/26/00

Time: 9:15 AM

Mayumi Maeda

From: Mayumi Maeda
Sent: Wednesday, July 26, 2000 9:36 AM
To: 'russell.flack@threefive.com'; 'rflack@threefive.com'
Subject: Your NSC patent application for "Silicon-Backed Microdisplay with a Glass-Side Passivation Layer"

Dear Mr. Flack:

I hope this e-mail will reach you. We received a notice to file missing parts from the U.S. Patent and Trademark Office regarding the above-referenced matter. We need to file your executed formal papers (i.e., declaration and assignment forms) by **August 12, 2000**. Although this date is extendable, NSC must pay for extension fees to do so.

Would you please execute the formal papers I sent to you at this time and forward the original to me? If the previously sent formal papers were misplaced, I am happy to send them again. Please call me at **(415) 773-3133** (direct) if you have any questions.

Have a nice day.

LIMBACH & LIMBACH LLP
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MMM calling Peter Wong

Phone Number: (408) 721-6259

Subject Matter:

missing parts w/ Russell Flach

Discussions/Comments:

Per NSC instructions, application
was filed w/ PTO w/o Mr. Flach
executed formal papers (those were
sent to him 3/17/00) at that
time, Mr. Chad Walsh told me
if Mr. Flach is not cooperative
w/ me, Chad will give a call
to him. w/c Mr. Flach signs
papers w/ NSC to hand over
on rights. Would you like to
get involved at this time?

Signed by:

Peter said he LIMBACH & LIMBACH LLP.

will call Russell Flach.

Client:

NSC - 673900

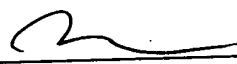
Matter No.:

Date:

8/2/00

Time:

2:45 PM

LIMBACH & LIMBACH LLP TELEPHONE CONFERENCE MEMORANDUM	
Person Calling:	Peter Wong calling MMM
Phone Number:	—
Subject Matter:	Notice of missing part
Discussions/Comments:	<p>Russell Flack apparently left NSL under less than favorable circumstances and he would probably not sign the papers or return our calls.</p> <p>Mr. Wang instructed us to file a § 47 (a).</p>
Signed by:	<p>MMM </p> <p>LIMBACH & LIMBACH LLP.</p>

Client:	NSC1 - 6390
Matter No.:	
Date:	8/3/00
Time:	3:00 PM

"Leaving National" Check-Out Form

Name RUSS FLACK Badge 86380 Div/Dept _____
Exit Interview Date _____ Term Date _____

1. Manager: _____ Ext: _____

Please initial for returned items, otherwise N/A.

	Mgr. Initials	N/A
Auto/Keys/Computer/Printer/Modem/Cell Phone/Beeper/Laptop	<u>RF</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Software/Floppy Diskettes	<u>RF</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Engineering Notebook	<u>RF</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Tool/Keys/Locks	<u>RF</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Technical Library Books	<input type="checkbox"/>	<u>RF</u> <input checked="" type="checkbox"/>
National Trade Secrets (Phone Books, Computer Tabs, Programs)	<u>RF</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Current Onsite Degree program Participants-See Onsite		
Degree Program Manager for sign-off	<u>N/A</u>	

2. Human Resources: BEN LEUNG Ext: X3479

	HR Initials	N/A
Exit Interview <u>BEN LEUNG</u>	<input type="checkbox"/>	<input type="checkbox"/>

3. Security: N/A Ext: _____

	Sec Initials
Security Clearance Debriefing (if necessary)	<u>N/A</u> <input type="checkbox"/>

4. HR Service Center: Questions or Appointments 1-4448 or 800-672-4448

	SC Initials	N/A
Termination Certification Form	<input type="checkbox"/>	<input type="checkbox"/>
Retirement and Savings Program	<u>RF</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Benefits/Health Care Continuation	<input type="checkbox"/>	<u>RF</u> <input checked="" type="checkbox"/>

	SC Initials	N/A
Credit Cards (AT&T, GAS, American Express)	<i>RS</i> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Stock Options/Purchase - 408-721-5680	<i>RS</i> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Telephone Authorization Card	<input type="checkbox"/>	<i>RS</i> <input checked="" type="checkbox"/>
Moneys Owed (Sign-on bonus, Relocation, etc.)	<i>RS</i> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Badge/Access Cards	<i>RS</i> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Address Change <i>Will change later.</i>	<i>RS</i> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Final Paychecks (In Field locations check mailed to home)	<i>RS</i> <input checked="" type="checkbox"/>	<input type="checkbox"/>
Medical Clearance (Have you ever been or are you currently in a medical surveillance program (i.e. Emergency Response Team, respirator protection)? Ext. 4036 or ext. 6497)	<input type="checkbox"/>	<i>RS</i> <input checked="" type="checkbox"/>
KEIP- 408-721-2472	<i>RS</i> <input checked="" type="checkbox"/>	<input type="checkbox"/>

5. PAYROLL: For more information about Final Paychecks or deductions (vacation, 401K, etc.) call your local payroll dept. Final paychecks will be released by the HR Service Center upon Manager completion of section(s) 1 and 4 (if applicable).

Signature of exiting employee: *RS*

TERMINATION CERTIFICATION

This is to certify that I do not have in my possession, nor have I failed to return my badge, any records, materials, engineering notebooks, equipment, computer programs, documents, data, specifications, drawings, blueprints, reproductions, sketches, notes, reports, proposals, or copies of them, or other property belonging to the Company.

I further certify that I have complied with and will continue to comply with all the term of the **National Semiconductor Corporation Employee Agreement** signed by me with the company, copy attached, including the reporting of any inventions (as defined therein) covered by the Agreement.

I further agree that in compliance with the Trade Secret Act of California, Civil Code Section 3426 et. Seq., and the "**National Semiconductor Corporation Employee Agreement**", I will preserve as confidential all trade secrets; and confidential information, knowledge, data, or other information belonging to the Company; and all confidential information of third parties learned as a result of my employment by the Company.

Dated: 7/14/99

<u>ROSS FLACK</u>	<u>SC 86380</u>
Employee Name (Print)	Badge
<u>[Signature]</u>	
Signature Of Employee	

I certify that I requested the above designated person to execute this "Termination Certification" on 7/14/99 and that such person ☒ complied ☐ refused, I provided said person with a copy of their executed **National Semiconductor Corporation Employee Agreement**.

<u>BEN LEUNG</u>
(Print Name)
<u>TLR, B. P.</u>
(Title)
<u>[Signature]</u>
(Signature)

LIMBACH & LIMBACH LLP
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: Peter Wang calling MFM

Phone Number: (408) 721-6259

Subject Matter: 471a1 declaration

Discussions/Comments:

Mr. Wang authorized us to get
a one-month extension in
response to missing parts.

In the meanwhile, he is setting
Russell Flach's employment
contract w/ NSC to show Mr.

Flach's obligor to assign it to NSC
i dates of Flach's employment at
NSC and circumstances of
his departure.

I will work w/ MJP.

Signed by:

MFM

LIMBACH & LIMBACH LLP

Client: MCL - 63800

Matter No.:

Date: 8/12/00

Time: 9:50 AM

LIMBACH & LIMBACH LLP
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: MPM return a call to Mr.
Phone Number: (408) 721-6259 Peter Wong
Subject Matter: dec/c.
documents necessary for 547(a)

Discussions/Comments:

He said he is having difficulty locating the employment of Russell Flach b/c Russell joined some 230 yrs ago in England. I told him that when I talked w/ Chad Welsh, he implied that Russel signed some paperwork when he departed HSC. Peter will look into it. also Peter will take a look at

Signed by: IDF to decide LIMBACH & LIMBACH LLP.

whether ok to disclose as an evidence

Client: NLA - 6290 MPM
Matter No.:
Date: 9/1/02
Time: 9:20 AM

Probably we need to take a further extension in the case

LIMBACH & LIMBACH LLP
TELEPHONE CONFERENCE MEMORANDUM

Person Calling: *Peter Wong calling NY NY*

Phone Number: *-*

Subject Matter: *47(a) declaration*

Discussions/Comments: _____

*He found an exit form of Russell
Flach, which refers to his NSC
employment. He is not sure
whether the employment can
be found since more than 10 yrs
old. The ~~exit~~^{exit} form does not
itself indicate Mr. Flach's obligation
to assign his patent rights to NSC.*

Mr. Wang authorizes us to use an

*INT as an exhibit. He is also
sending a copy of the exit form
to us to confirm LIMBACH & LIMBACH LLP.*

to look for the employment.

Client: *NS U - G3900*

Matter No.:

Date: *9/13/00*

Time: *10:05 AM*